

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1897.

No. 53.

CHARLES P. BARRETT, PLAINTIFF IN ERROR.

vs.

THE UNITED STATES.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR
THE DISTRICT OF SOUTH CAROLINA.

FILED AUGUST 13, 1898.

(15,986.)

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a THE UNITED STATES OF AMERICA, }
 District of South Carolina. }

In the Circuit Court, Fourth Circuit.

THE UNITED STATES }
 vs. } Violation of Section- 5440 and 5480,
 CHARLES P. BARRETT. } R. S. U. S.

Transcript of Record.

1 Caption.

THE UNITED STATES OF AMERICA, }
 District of South Carolina, } To wit:

In Circuit Court, Fourth Circuit.

At a circuit court of the United States for the fourth circuit in and for the district of South Carolina, begun and holden at Columbia, in the district aforesaid, on the fourth Monday in November, 1894, before the Honorable Wm. H. Brawley, United States judge for the district of South Carolina, holding said circuit court according to the form of the act of Congress in such cases made and provided, the following proceedings were had :

THE UNITED STATES
 against

CHARLES P. BARRETT, THOS. J. HANNON, J. WESLEY OWENS,
 Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert
 J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee,
 John M. Thompson, John D. O'Bryant, William M. Hatcher,
 and James R. Burdine.

Be it remembered that heretofore, to wit, on the 3rd day of December, 1894, before the judge of the said court for the district of South Carolina, the said United States indicted Charles P. Barrett, Thos. J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine, defendants, citizens of the district of South Carolina, in a bill of indictment filed by the United States attorney, upon the affidavits and warrants; which bill is in the words and tenor following :

2 *Affidavit of Fred. D. Peer.*

THE UNITED STATES OF AMERICA, }
 Western District of South Carolina, } To wit:

United States District Court.

Fred. D. Peer, post-office inspector, personally comes before me and on oath says that he is informed and verily believes that

Charles P. Barrett, Thomas J. Hannon, & Wm. L. Tinsley, on or about the 7th day of August, A. D. 1893, at Spartanburg, in the county of Spartanburg, in the district aforesaid, and within the jurisdiction of this court, did violate sections 5440 & 5480 of the Revised Statutes by conspiring together to commit offences against the United States, and to defraud the United States, and by devising a scheme to defraud the United States, and in executing said scheme placed or caused to be placed certain letters and cards in the post-offices of the United States to be sent through said post-offices, and did receive letters therefrom, and as in that behalf required by law, but contrary to the power, force, and effect of the statutes of the United States in such case made and provided.

FRED. D. PEER,
P. O. Inspector.

Sworn to and subscribed before me, at Spartanburg, this 7th day of Aug., A. D. 1893.

ARCH. B. CALVERT,
United States Commissioner.

3

Warrant.

THE UNITED STATES OF AMERICA, }
Western District of South Carolina. }

OFFICE COMMISSIONER CIRCUIT AND DISTRICT COURTS
OF UNITED STATES FOR SOUTH CAROLINA.

By Arch. B. Calvert, commissioner of circuit & district courts of United States for South Carolina, to George I. Cunningham, U. S. marshal, or his deputies:

Whereas complaint on oath has been made unto me by Fred. D. Peer, post-office inspector, that he is informed and verily believes that Charles P. Barrett, Thomas J. Hannon, & William L. Tinsley did in the year 1893 violate sections 5440 & 5480 of the Revised Statutes of the United States by conspiring together to commit offenses against the United States and to defraud the United States, and, by devising a scheme to defraud, did in executing said scheme place or cause to be placed certain letters and cards in the post-office of the United States (and received letters and cards from the post-office) to be sent through the post-office establishment contrary to law:

These are therefore to command you to apprehend the said Charles P. Barrett, Thomas J. Hannon, & Wm. L. Tinsley and bring them before me to be dealt with according to law.

Given under my hand and seal, at Spartanburg, the 7th day of August, one thousand eight hundred and ninety-three.

ARCH. B. CALVERT, [SEAL.]
Com. of Circuit & District Courts of U. S. for So. Car.

Approved:

B. A. HAGOOD,
Ass't U. S. Attorney.

Adjudication in commissioner's court. Def'ts bound over to Jan'y term district court this 2nd September, 1893.

ARCH. B. CALVERT,
U. S. Commissioner.

Filed Feb. 27, 1894.

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

4

Affidavit of Fred. D. Peer.

THE UNITED STATES OF AMERICA, } *To wit :*
District of South Carolina, }

United States District Court.

Fred. D. Peer, post-office inspector, personally comes before me and on oath says that he is informed and verily believes that Charles P. Barrett and John T. Tillman, on or about the 10th day of August, A. D. 1893, at Spartanburg, in the county of Spartanburg, in the district aforesaid and within the jurisdiction of this court, did violate sections 5440 & 5480 by conspiring together to commit offences against the U. S., and, to defraud the U. S. by devising a scheme to defraud, did in executing said scheme place or cause to be placed certain letters and cards in the post-office of the U. S. to be sent through the mails, and did receive letters and cards from the post-office not as in that behalf required by law, but contrary to the power, force, and effect of the statutes of the United States in such case made and provided.

FRED. D. PEER,
P. O. Inspector.

Sworn to before me, at Greenville, this 10th day of Aug., A. D. 1893.

ARCH. B. CALVERT,
United States Commissioner.

5

Warrant.

THE UNITED STATES OF AMERICA, }
District of South Carolina. }

OFFICE COMMISSIONER CIRCUIT & DISTRICT COURTS
OF UNITED STATES IN SOUTH CAROLINA.

By Arch. B. Calvert, commissioner of the circuit & district courts of the United States for said district, to the United States marshal or his deputies:

Whereas complaint on oath has been made unto me by Fred. D. Peer, post-office inspector, that he is informed and verily believes that Charles P. Barrett and John T. Tillman, on or about the 10th day of August, A. D. 1893, in the county of Spartanburg, S. C., did violate sections 5440 & 5480 by conspiring together to commit offences against the U. S. and to defraud the U. S., and, by having

devised a scheme to defraud, did in executing said scheme place or cause to be placed certain letters in the post-office of the United States to be sent through the mail, and did receive letters and cards from the post-office contrary to law:

These are therefore to command you to apprehend the said Charles P. Barrett & John T. Tillman and bring them before me to be dealt with according to law.

Given under my hand and seal, at Greenville, S. C., the 10 day of August, one thousand eight hundred & ninety-three.

ARCH. B. CALVERT, [SEAL.]

Com. of Circuit & District Courts of U. S. for S. C.

Approved:

B. A. HAGOOD,

Ass't U. S. Attorney.

Adjudication in Commissioner's Court.

This 1st day of Sept., 1893, def'ts bound over to Jan'y term district court.

ARCH. B. CALVERT,

U. S. Commissioner.

Filed Feb. 27, 1894.

J. E. HAGOOD,

C. C. C. U. S., Dist. S. C.

Affidavit of Fred. D. Peer.

UNITED STATES OF AMERICA,

Western District of South Carolina, } *To wit:*

United States District Court.

Fred. D. Peer, P. O. inspector, personally comes before me and on oath says that he is informed and verily believes that Charles P. Barrett, A. J. Fisher, and John S. Fisher, on or about the 13th day of October, A. D. 1893, at Spartanburg, in the county of Spartanburg, in the district aforesaid, and within the jurisdiction of this court, did violate sections 5440 & 5480 of the Revised Statutes by conspiring together to commit offences against the United States, and, by devising or intending to devise a scheme to defraud, did place or cause to be placed certain letters and cards in the post-office of the U. S. to be sent through the Post-office Department, and did receive letters therefrom in carrying out said scheme to defraud, contrary to the power, force, and effect of the statutes of the United States in such case made and provided.

FRED. D. PEER,

P. O. Inspector.

Sworn to before me, at Spartanburg, this 13th day of October, A. D. 1893.

ARCH. B. CALVERT,

United States Commissioner.

7

Warrant.

THE UNITED STATES OF AMERICA, }
Western District of South Carolina. }

OFFICE COMMISSIONER CIRCUIT AND DISTRICT COURTS
 OF UNITED STATES FOR SOUTH CAROLINA.

By Arch. B. Calvert, commissioner of circuit & district courts of the United States for South Carolina, to George I. Cunningham, U. S. marshal, or his deputies:

Whereas complaint on oath has been made unto me by Fred. D. Peer, P. O. inspector, that he is informed and verily believes that Charles P. Barrett, A. J. Fisher, and John S. Fisher did in the year 1893 violate sections 5440 & 5480 of the Revised Statutes of the United States by conspiring together to commit offenses against the United States, and, by devising or intending to devise a scheme to defraud, did place and cause to be placed certain letters and cards in the post-office to be sent through the Post-office Department, and did receive letters therefrom in carrying out said scheme to defraud:

These are therefore to command you to apprehend the said Charles P. Barrett, A. J. Fisher, and John S. Fisher and bring them before me to be dealt with according to law.

Given under my hand and seal, at Spartanburg, the 13th day of October, one thousand eight hundred and ninety-three.

ARCH. B. CALVERT, [SEAL.]

Com. of Circuit & District Courts of U. S. for S. C.

Approved:

B. A. HAGOOD,

Ass't U. S. Attorney.

Adjudication in Commissioner's Court.

Defendants bound over to January special term, 1894, this 25th day of October, 1893.

ARCH. B. CALVERT,
U. S. Commissioner.

Filed Feb. 27, 1894.

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

8

Recognizance of Charles P. Barrett.

UNITED STATES OF AMERICA, }
South Carolina District. }

Be it remembered that on the 20th day of February, in the year of our Lord one thousand eight hundred and ninety-four, personally appeared before me Charles P. Barrett, principal, and James A. Griffin, surety, and W. C. Fisher, surety, who acknowledged them-

selves to be jointly and severally indebted to the United States of America in the sum of fifteen hundred dollars, to be levied on their several lands and tenements, goods and chattels, respectively, to and for the use of the said United States of America if the above-mentioned Charles P. Barrett shall fail in performing the condition underwritten.

The condition of this recognizance is such that if the said Charles P. Barrett shall personally appear before the district judge of the United States of America at the (present) court of the said United States of America for the district of South Carolina, now being holden at the usual place of judication, in Greenville, So. Ca., then and there to answer to the charge of a conspiracy under section 5480 of the Revised Statutes of the United States, and to do and receive what shall be enjoined by the court, and not to depart the court without license, then this recognizance to be void, or else to remain in full force and virtue.

| | |
|---------------------|---------|
| CHARLES P. BARRETT. | [SEAL.] |
| JAS. A. GRIFFIN. | [SEAL.] |
| W. C. FISHER. | [SEAL.] |

Taken and acknowledged the day and year above written before me—

E. M. SEABROOK,
C. D. C. U. S., S. C.

Filed Feb. 27, 1894.

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

9 UNITED STATES OF AMERICA, }
District of South Carolina. }

Personally appeared before me, E. M. Seabrock, clerk of U. S. dist. court for the district of South Carolina, James A. Griffin and W. C. Fisher, who, being duly sworn, saith on oath that they are sureties on the within bond, and that they are worth the amount of the bond over and above their liabilities and homestead exceptions.

JAS. A. GRIFFIN.
W. C. FISHER.

Subscribed and sworn to before me this 20th day of February, 1894.

E. M. SEABROOK,
C. D. C. U. S., Dist. S. C.

10

Bill of Indictment.

THE UNITED STATES OF AMERICA, }
District of South Carolina, } To wit :

In the Circuit Court.

At a stated term of the circuit court of the United States for the district of South Carolina, begun and holden at Columbia, within and

for the district aforesaid, on the fourth Monday of November, in the year of our Lord one thousand eight hundred and ninety-four, the jurors of the United States of America within and for the district aforesaid upon their oaths respectively do present—

That Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine, together with divers other evil-disposed persons to the jurors aforesaid unknown, late of the district aforesaid, on the first day of July, in the year of our Lord one thousand eight hundred and ninety-two, at Spartanburg, in the State of South Carolina aforesaid, in the district aforesaid and within the jurisdiction of this court, being persons of evil minds and dispositions, wickedly devising and intending to commit the offence against the United States hereinafter set forth, fraudulently, maliciously, and unlawfully did combine, conspire, confederate, and agree together between and among themselves to commit against the United States this offense—that is to say, that they, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine, should devise a scheme and artifice to defraud Cornish and Company, the Smith Premier Typewriter Company, the Frowbridge Piano Company, the Knabe Piano Company, the Whitman Saddle Company, A. H. Andrews and Company, C. Irving Walker, Jr., & Co., E. M. Andrews, J. W. Fuller & Co., A. B. Farquhar & Co., J. W. Felder & Co., Stokes Manufacturing Company, Ludden & Bates, Gonzales & Withers, Mosler Bohman & Co., J. H. Nunnally, Gates Desk Company, Thomas & Barton, Work Brothers and Company, Taylor Brothers and Company, Gilreath & Patton, N. W. Trump, and James T. Tinsley & Company, and divers other persons to the jurors aforesaid unknown, to be effected by opening correspondence with them and each of them respectively by means of the post-office establishment of the United States, and by inciting them and each of them in open correspondence with them, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine, by means of said post-office establishment, which said scheme and artifice was the obtaining articles of merchandise from the said Cornish and Company, the Smith Premier Typewriter Company, the Frowbridge Piano Company, the Knabe Piano Company, the Whitman Saddle Company, A. H. Andrews and Company, C. Irvine Walker, Jr., and Company, E. M. Andrews, J. W. Fuller and Company, A. B. Farquhar and Company, J. W. Felder and Company, Stokes Manufacturing Company, Ludden and Bates, Gonzales & Withers, Mosler Bohman & Company, J. H. Nunnally, Gates Desk Company, Thomas & Barton, Work Brothers & Com-

pany, Taylor Brothers & Company, Gilreath & Patton, N. W. Trump, and James G. Tinsley & Company, and said divers other persons, as vendors thereof, with intent to defraud them, the said vendors, of payment therefor and of their property therein and to cheat and defraud them of the same; and having devised such scheme and artifice aforesaid, to be effected by means of the post-office establishment, as aforesaid, that they, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher,

John T. Tillman, Robert J. McElrath, Edward B. Lowe,
 12 Robert C. Wyatt, Clarence Lee, John M. Thomson, John D. O'Bryant, William M. Hatcher, and James R. Burdine, should place and cause to be placed certain letters in certain post-offices of the United States to be sent and delivered by said post-office establishment.

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and caused to be placed in the post-office of the United States at Owens a certain postal card to be sent and delivered by said post-office establishment, addressed to Mosler Bohman and Company, at Cincinnati, Ohio, of which said postal card the following is a copy :

"OWENS, S. C., July 19, '92.

"My wife is postmaster here. I need a good safe, weighing, say, 1,500 pounds. Send best prices, terms, &c., &c.

"Respectfully,

J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B.

Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson,
 13 John D. O'Bryant, William M. Hatcher, and James R.

Burdine thereafter did place and cause to be placed in the post-office of the United States at Owens a certain letter to be sent and delivered by said post-office establishment, addressed to Mosler Bohman and Company, at Cincinnati, of which said letter the following is a copy :

"OWENS, S. C., July 25, 1892.

"Mosler Bohman & Co., Cincinnati.

"SIRS: Will take No. 5 at \$10 cash and residue in 7 monthly instalments. Enclosed find order accordingly. Ship to Spartanburg, S. C.

"Respectfully,

J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at McElrath a certain letter to be sent and delivered by said post-office establishment, addressed to Mosler Bohman & Company, at Cincinnati, Ohio, of which said letter the following is a copy:

"McELRATH, SPARTANBURG Co., S. C., Aug. 9th, 1892.

"Mosler Bohman & Co., Cincinnati, O.

"SIRS: I desire a safe weighing, say, 1,500 lbs., about No. 5.

14 I wish to get it on instalments. Name your best terms, &c.

"I am postmaster here.

"Yours truly,

ROBERT J. McELRATH."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Wyatts a certain postal card to be sent and delivered by said post-office establishment, addressed to "Mosler Bohman & Co., Cincinnati, Ohio, of which said postal card the following is a copy:

"WYATTS, SPARTANBURG Co., S. C., Aug. 10, 1892.

"I am P. M. here. I desire a good safe, on the instalment plan, weighing about 1,500 lbs.—say No. 5. Give me your best terms, prices, &c.

"Yours truly,

R. C. WYATT."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles

15 P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, Robert J. McElrath, Edward B. Lowe, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain postal card to be sent and delivered by said post-office establishment, addressed to J. N. Nunnally, Atlanta, Georgia, of which said postal card the following is a copy:

"SPARTANBURG, S. C., 19 Aug., 1892.

"I have a 'Hammond.' What can you sell me ribbons at? Have you any green color and any blue color?"

"Yours truly,

JOHN T. TILLMAN."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Wyatts a certain letter to be sent and delivered by said post-office establishment, addressed to Mosler Bohman and Company, at Cincinnati, Ohio, of which said letter the following is a copy:

"Office of R. C. Wyatt, dealers in fertilizers.

"WYATTS, S. C., Aug. 25, 1892.

"Mess. Mosler Bohman & Co., Cincinnati, Ohio.

"SIRS: I have this day signed order for safe, which I hope will be satisfactory and receive your earliest attention. Please send notes, &c. Let me hear from you on return mail.

"Yours truly,

R. C. WYATT.

"Please ship to R. C. Wyatt, Spartanburg, S. C."

16 And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination,

conspiracy, confederation, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Wyatts a certain letter to be sent and delivered by said post-office establishment, addressed to Gates Desk Company, at Greenville, South Carolina, of which said letter the following is a copy :

" Office of R. C. Wyatt, dealer in fertilizers.

" WYATTS, S. C., *Sept. 1, 1892.*

" Gates Desk Co., Greenville, S. C.

" SIRs: I desire to buy one of your desk- on the installment plan. Will you give me your rock bottom prices, terms, &c., on return mail?

" Yours truly,

R. C. WYATT."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the
17 United States at Spartanburg a certain letter to be sent and delivered to Thomas & Barton, at Augusta, Ga., of which said letter the following is a copy :

" SPARTANBURG, S. C., *September 15, 1892.*

" Thomas & Barton, Augusta, Ga.

" DEAR SIRs: I wish to buy a piano. I am one of these who think that in the end a good article is the cheapest. I desire to buy one that will cost about \$500. Times are tight indeed, and I wish rock-bottom prices. I am impressed with the idea that the Everett is one of the best. I saw your advertisement in the Columbia State. My idea is that I can buy a piano cheaper from a large dealer than from a local dealer. Hence I write directly to you. Awaiting to hear from you regarding prices, terms, &c., &c., I am,

" Yours respectfully,

J. T. TILLMAN."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy,

and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain letter to be sent and delivered by the said post-office establishment, addressed to J. H. Nunnally, Atlanta, Georgia, of which said letter the following is a copy :

"SPARTANBURG, S. C., *September 16, 1892.*

"Mr. J. H. Nunnally, Atlanta, Ga.

18 "DEAR SIR: I am the only person in this city who owns a Hammond typewriter. I am satisfied of its superiority. I am preparing to open up a music-house here and would like to procure the agency for the Hammond in connection therewith. My judgment is that I can sell many of them. Please let me hear from you in reference to the subject, saying if it suits you, what commissions you can allow, &c., &c. My judgment is that if the business is talked up and worked up it will pay you and me too. The demand for these instruments is growing, and it behooves those who have the sale of them to try and get their instruments started in each locality.

"Yours truly,

J. T. TILLMAN."

And the jurors aforesaid by their oath aforesaid do further present that in further pursuance and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice and to carry out the combination, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain letter to be sent and delivered by said post-office establishment, addressed to Work Brothers & Co., at Chicago, Illinois, of which said letter the following is a copy :

"I have had dealings with Mr. Owens for two or three years and he has always paid me promptly.

"Yours,

BUNYAN LOWE."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and to carry out the combination, con-

19 spiracy, confederation, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence

Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Wyatts a certain letter to be sent and delivered by said post-office establishment, addressed to Work Brothers and Company, at Chicago, Illinois, of which said letter the following is a copy:

"Office of R. C. Wyatt, dealer in fertilizers.

"WYATTS, S. C., Oct. 3, 1892.

"Messrs. Work Brothers & Co., Chicago, Ill.

"SIRS: According to my judgment Mr. J. W. Owens, of Owens, S. C., is a responsible man for his contracts, and his record as a debt-payer is remarkably favorable.

"Yours truly,

R. C. WYATT."

And the jurors aforesaid by their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, — confederation among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Low, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain letter to be sent and delivered by said post-office establishment, addressed to J. H. Nunnally, at Atlanta, Georgia, of which said letter the following is a copy:

"John T. Tillman, merchandise & commissioner broker, No. 8 Kennedy place.

"P. O. box 143.

"SPARTANBURG, SOUTH CAROLINA, October 7, 1892.

"Mr. J. H. Nunnally, Atlanta, Ga.

20 "DEAR SIR: I have about effected a sale of one of your typewriters, Universal Key-board, to Mr. Edgar B. Lornd, of this place, who is in the sewing-machine business. I told him that you would send it on fifteen days' trial, he to pay the express both ways, if he did not take it at the expiration of that time. I understand you to say that the price is \$95, \$25 cash and the balance in monthly payments of \$10 each. You can send it on by express. I can have him to fix up the papers if you prefer it that way—that is, that he is to return it in 15 days or arrange the matter in the way above indicated.

"Let me hear from you at once.

"Yours very truly,

JNO. T. TILLMAN."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said con-

spiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain letter to be sent and delivered by said post-office establishment, addressed to J. H. Nunnally, at Atlanta, Georgia, of which said letter the following is a copy :

"SPARTANBURG, SOUTH CAROLINA, *October 12, 1892.*

"Mr. J. H. Nunnally, Atlanta, Ga.

"DEAR SIR: I am in receipt of your communication of yesterday saying that you would send an 'Ideal' and 'Universal' to me for Lowe and Owens on 15 days' trial soon. Send two type wheels with each machine, for I happen to know that two parties desire two. Send for the Universal the following Nos. 23 and 24.

" " " Ideal " " " " 1 " 2.

If, however, you find it as convenient to do so, you can substitute the type you write me on, the back handwriting, as a substitute for one of the smaller sorts.

"Yours very truly,

JNO. T. TILLMAN."

And the jurors aforesaid upon their oaths aforesaid do further present that in pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so made as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy and confederacy and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine, at Owens, South Carolina, did place and cause to be placed in the post-office of the United States at Owens aforesaid a certain letter to be sent and delivered by means of said post-office establishment of the United States, addressed to Cornish & Company, at Washington, in the State of New Jersey, of which said letter the following is a copy :

"M. J. Owens, postmaster. J. W. Owens, assistant postmaster.

"OWENS, S. C., *Oct. Oct. 13, 1892.*

"Mess. Cornish & Co., Washington, N. J.

"GENTLEMEN: I saw the piano which you recently sold to R. C. Wyatt for \$275.00, and I am well pleased with it. I will take a duplicate of it at the same price and the same terms. If this suit

you, you can ship at once. My shipping point is Spartanburg, S. C.

"Yours respectfully,

J. W. OWENS."

22 And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid, the said J. Wesley Owens, at Owens, in the county of Spartanburg aforesaid, on the thirty-first day of October, in the year of our Lord one thousand eight hundred and ninety-two, did place and caused to be placed in the post-office of the United States at Owens aforesaid a certain letter to be sent and delivered by said post-office establishment, addressed to the Knabe Piano Company, at New York, in the State of New York, of which said letter the following is a copy :

"M. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

"UNITED STATES POST-OFFICE,

"OWENS, S. C., Oct. 31, 1892.

"Knabe Piano Co., New York, N. Y.

"GENTLEMEN: Please send me a catalogue and prices of your pianos, &c.; also terms and guarantee.

"Respectfully yours,

J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purposes aforesaid, the said J. Wesley Owens, at Owens, in the county of Spartanburg aforesaid, on the ninth day of November, in the year of our Lord one thousand eight hundred and ninety-two, did place and cause to be placed in the post-office of the United States at Owens aforesaid a certain letter to be sent and delivered by said post-office establishment, addressed to the Smith Premier Typewriter Company, of which said letter the following is a copy :

23

"M. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

"UNITED STATES POST-OFFICE,

"OWENS, S. C., 11, 9, 1892.

"GENTLEMEN: Please write me your very best terms on your Smith Premier, with base board, cover, and stand. I can buy the Hammond for \$100.00, paying \$25.00 when receive machine and other on monthly payments, \$10.00 each; but I find that the S. P. has features which surpass the Hammond in many respects, and if you will make as reasonable an offer as I can buy the Hammond I may buy the S. P.

"Resp'ly yours,

J. W. OWENS."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purposes aforesaid, the said J. Wesley Owens, at Owens, in the county of Spartanburg aforesaid, on the fourteenth day of November, in the year of our Lord one thousand eight hundred and ninety-two, did place and cause to be placed in the post-office of the United States at Owens aforesaid a certain letter to be sent and delivered by said post-office establishment, addressed to William Knabe and Company, at Baltimore, Maryland, of which said letter the following is a copy :

" M. J. Owens, postmaster. J. W. Owens, ass't postmaster.

" UNITED STATES POST-OFFICE,
" OWENS, S. C., 11, 14, 1892.

24 " Mess. Wm. Knabe & Co. *Mess. Knabe*, Baltimore, Md.

" GENTLEMEN : What is the very best terms that you will sell style 3 on ? Can you refer me to some individual in or one of the adjoining S. C. that has used this piano, and what is our guarantee ?

" Resp'ly yours, J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purposes aforesaid, the said J. Wesley Owens, at Owens, in the county of Spartanburg aforesaid, on the twenty-first day of November, in the year of our Lord one thousand eight hundred and ninety-two, did place and cause to be placed in the post-office of the United States at Owens aforesaid a certain letter to be sent and delivered by said post-office establishment, addressed to the Smith Premier Typewriter Company, at Baltimore, Maryland, of which said letter the following is a copy :

" M. J. Owens, postmaster. J. W. Owens, ass't postmaster.

" UNITED STATES POST OFFICE,
" OWENS, S. C., 11, 21, 1892.

" I will take one of your machines at \$100.00, including base board, cover, and stand. I prefer the ribbon inked purple. You can refer to T. O. Mink, Spartanburg ; E. B. Lowe, Spartanburg, and R. C. Wyatt, Wyatts, as to my responsibility.

" Resp'ly yours, J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out

the combination, conspiracy, confederation, and agreement
 25 aforesaid for the purposes aforesaid, the said J. Wesley Owens,
 at Owens, in the county of Spartanburg aforesaid, on the
 twenty-third day of November, in the year of our Lord one thou-
 sand eight hundred and ninety-two, did place and caused to be
 placed in the post-office of the United States at Owens aforesaid a
 certain letter to be sent and delivered by said post-office establish-
 ment, addressed to the Smith Premier Typewriter Company, at Bal-
 timore, Maryland, of which said letter the following is a copy :

" M. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

" UNITED STATES POST-OFFICE,

" OWENS, S. C., 11, 23, 1892.

" Smith Premier Typewriter Co., Baltimore, Md.

" GENTLEMEN : I received your letters and catalogue some time ago.
 You did not state the terms that you sell on. I gave reference, and
 I suppose that you have corresponded with them. If you will give
 me your terms, &c., I may order from you. I have been thinking
 about buying a Hammond.

" Resp'y yours,

J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further
 present that in further pursuance of and according to the said con-
 spiracy, combination, confederacy, and agreement among them-
 selves had, so as aforesaid, and in order to effect the scheme and
 artifice aforesaid, and to carry out the combination, conspiracy, con-
 federation, and agreement aforesaid for the purposes aforesaid, the
 said J. Wesley Owens, at Owens, in the county of Spartanburg
 aforesaid, on the twenty-eighth day of November, in the year of our
 Lord one thousand eight hundred and ninety-two, did place and
 cause to be placed in the post-office of the United States at Owens
 aforesaid a certain letter to be sent and delivered by said post-office
 establishment, addressed to William Knabe and Company, at Balti-
 more, Maryland, of which said letter the following is a copy :

26 " M. J. Owens, postmaster. J. W. Owens, ass't postmaster.

" UNITED STATES POST-OFFICE,

" OWENS, S. C., Nov. 28, '92, 189.

" Mess. Wm. Knabe & Co., Baltimore, Md.

" GENTS: I will take your # 3 Grand—price, \$900—one-fifth cash
 and the other on the instalment plan. Please let me know when
 you will ship & how & when you desire me to remit.

" Resp'y yours,

J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further
 present that in further pursuance of and according to the said con-
 spiracy, combination, confederacy, and agreement among them-
 selves so had, as aforesaid, and in order to effect said scheme and
 artifice, and to carry out the combination, conspiracy, confederation,
 and agreement aforesaid for the purposes aforesaid, the said J.

Wesley Owens, at Owens, in the county of Spartanburg aforesaid, on the fifth day of December, in the year of our Lord one thousand eight hundred and ninety-two, did place and cause to be placed in the post-office of the United States at Owens aforesaid a certain letter to be sent and delivered by said post-office establishment addressed to Whitman Saddle Company, at New York, of which said letter the following is a copy :

" M. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

" UNITED STATES POST-OFFICE,

" OWENS, S. C., Dec. 5, 1892.

" Whitman Saddle Co., New York.

"GENTS: Ship me the following outfit: One Park saddle, #8—price, \$75.00; saddle cloth, #2, \$5.00, to match saddle; also
27 style # No. 354, \$8.00; please send by express.

" Resp'ly yours,

J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purposes aforesaid, the said J. Wesley Owens, at Owens, in the county of Spartanburg aforesaid, on the fifth day of December, in the year of our Lord one thousand eight hundred and ninety-two, did place and cause to be placed in the post-office of the United States at Owens aforesaid a certain letter to be sent and delivered by said post-office establishment, addressed to A. H. Andrews and Company, at Chicago, Illinois, of which said letter the following is a copy :

" M. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

" UNITED STATES POST-OFFICE,

" OWENS, S. C., Dec. 5, 1892.

" Messrs. A. H. Andrews & Co., Chicago, Ill.

"GENTLEMEN: Some time ago I wrote to you prices of your office furniture, but you did not state the terms that you sell on. If you sell on as long as thirty days' time, I will take the following: #21 B, high curtain desk—price, \$70.00; #41, office table—price, \$32, 5 ft.; also one, #94, chair, leather seat—price, \$10; less discount, 10%; would like to have these goods as early as convenient.

" Resp'ly yours,

J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among
28 themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purposes aforesaid, the said J. Wesley Owens, at Owens, in the county

of Spartanburg aforesaid, on the twelfth day of December, in the year of our Lord one thousand eight hundred and ninety-two, did place and cause to be placed in the post-office of the United States at Owens aforesaid a certain letter to be sent and delivered by said post-office establishment, addressed to A. H. Andrews and Compant, at Chicago, Illinois, of which said letter the following is a copy:

"M. J. Owens, postmaster. J. W. Owens, ass't postmaster.

"UNITED STATES POST-OFFICE,
"OWENS, S. C., Dec. 12, 1892.

"Messrs. A. H. Andrews & Co., Chicago, Ill.

"GENTLEMEN: Yours of the 7th is at hand. If it is just as convenient, I would prefer the goods in antique oak. Please ship via Inman, S. C.

"Resp'ly yours, J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purposes aforesaid, the said J. Wesley Owens, at Owens, in the county of Spartanburg aforesaid, on the fifteenth day of December, in the year of our Lord one thousand eight hundred and ninety-two, did place and cause to be placed in the post-office of the United States at Owens aforesaid a certain letter to be send and delivered by said post-office establishment, addressed to the Trowbridge Piano Company, at Boston, Massachusetts, of which said letter the following is a copy:

29 "M. J. Owens, postmaster. J. W. Owens, ass't postmaster.

"UNITED STATES POST OFFICE,
"OWENS, S. C., Dec. 15, 1892.

"Trowbridge Piano Co., Boston, Mass.

"GENTLEMEN: Please send me catalogue and prices of your pianos. Do you sell on installment plan? I want a piano worth about five hundred dollars and I want your very best prices and terms.

"Very resp'ly yours, J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purposes aforesaid, the said J. Wesley Owens, in the county of Spartanburg aforesaid, on the nineteenth day of December, in the year of our Lord one thousand eight hundred and ninety-two, did place and cause to be placed in the post-office of the United States at Owens aforesaid a certain letter to be

sent and delivered by said post-office establishment, addressed to the Whitman Saddle Company, New York, of which said letter the following is a copy:

"M. J. Owens, postmaster. J. W. Owens, ass't postmaster.

"UNITED STATES POST-OFFICE,
"OWENS, S. C., Dec. 19th, 1892.

"Whitman Saddle Co., New York.

"GENTLEMEN: I am very much obliged to you for giving
30 my order so prompt attention, but I wanted the outfit on
thirty days' time. I thought that I referred you to the following parties as to my responsibility, &c.: E. B. Lowe, Spartanburg; E. J. Harrison, of this place, and J. R. Atkins, Wingo.

"Very resp'ly yours, J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Owens, S. C., a certain letter to be sent and delivered by said post-office establishment, addressed to Taylor Brothers and Company, Chicago, Illinois, of which said letter the following is a copy:

"M. J. Owens, postmaster. J. W. Owens, ass't postmaster.

"UNITED STATES POST-OFFICE,
"OWENS, S. C., Oct. 24, 1892.

"Mess. Taylor Bros. & Co., Chicago, Ill.

"GENTLEMEN: You can ship me the following as samples, and if I find that I can handle your goods to advantage will give you a large spring order: $\frac{1}{2}$ doz. No. 586 XXX silk hat, \$27; $\frac{1}{2}$ doz. No. 616 men's black ass't'd No. 3, \$7.50; $\frac{1}{2}$ doz. No. 653 men's black income, \$15.00; $\frac{1}{2}$ doz. No. 782 boy's blue, \$3.00; $\frac{1}{2}$ doz. No. 788 boy's black, \$4.50; $\frac{1}{2}$ doz. No. 1205 kid gloves, \$6.75; $\frac{1}{2}$ doz. No. 1229 white calf working G., \$4.25; $\frac{1}{2}$ doz. No. 1421 ging. umbrella,
31 \$2.25; $\frac{1}{2}$ doz. No. 1425 silk sateen, \$4.25; $\frac{1}{2}$ doz. No. 1430 8-rib silk serg. um., \$12.00.

"Resp'ly yours, J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice

aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, William M. Hatcher, John D. O'Bryant, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Owens a certain letter to be sent and delivered by said post-office establishment, addressed to Gilreath & Patton, at Greenville, of which said letter the following is a copy :

"M. J. Owens, postmaster. J. W. Owens, ass't postmaster.

"UNITED STATES POST-OFFICE,
"OWENS, S. C., Oct. 24th, 1892.

"SIR: What can you express to me at Inman No. 51 brass mam-outh fount, with racket No. 5 & student's lamp No. 398, ni-ke! for? If the two will not cost me over \$12.00, you can send them and I will remit at once.

"Resp'ly yours,

J. W. OWENS."

And the jurors aforesaid by their oaths aforesaid do further present that in further pursuance of and according to the conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice
32 aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain letter to be sent and delivered to J. H. Nunnally, at Atlanta, Georgia, of which said letter the following is a copy :

"SPARTANBURG, SOUTH CAROLINA, October 26, 1892.

"Mr. J. H. Nunnally, Atlanta, Ga.

"DEAR SIR: Some time since you wrote me that you had a shipment of typewriters on the road and when they arrived you would send me two for fifteen days' trial for the two prospective purchasers that I have on hand. I assume that you have overlooked it, else I would not call your attention to it. I have advertised for the sale of both sorts—Ideal and Universal—and several persons have called to see the Ideal, the one I have being the Universal, but I regret that I have been unable to accommodate them. Hoping to hear from you soon, I am

"Yours very truly,

JNO. T. TILLMAN."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among them-

selves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, William H. Hatcher, John D. O'Bryant, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Owens a certain letter to be sent and delivered by said post-office establishment, addressed to Gilreath & Patton, at Greenville, of which said letter the following is a copy :

" M. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

" UNITED STATES POST-OFFICE,

" OWENS, S. C., Oct. 31, 1892.

" Mess. Gilreath & Patton, Greenville, S. C.

" GENTLEMEN: I will take the lamps at prices mentioned. Send them to Inman. You can refer to F. W. Wagener & Co., Charleston, S. C.; Pelzer-Rogers Fertilizer Co., Charleston, as to my standing, &c.

" Resp'y yours,

J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, confederacy, conspiracy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Owens a certain letter to be sent and delivered by said post-office establishment, addressed to C. Irving Walker and Company, at Charleston, South Carolina, of which said letter the following is a copy :

" M. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

" UNITED STATES POST-OFFICE,

" OWENS, S. C., Nov. 2, 1892.

34 " GENTLEMEN: Please send me a catalogue & very best prices on your machines, also your terms, &c.

" Resp'y yours,

J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy,

and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain letter to be sent and delivered to J. H. Nunnally, at Atlanta, Georgia, of which said letter the following is a copy :

"SPARTANBURG, SOUTH CAROLINA, Nov. 3, 1892.

"Mr. J. H. Nunnally, Atlanta, Ga. .

"DEAR SIR : I have struck something now that I think will materialize. Converse College, the finest female institute in the South, which started up here about two years since, is now arranging to teach typewriting. I think the Hammond will suit the young maidens far better than any other, being so much lighter, &c. They have one Caligraph at the college, belonging to the pres't, but, in the first place, it is a No. 2; then it is old, out of alignment, &c., &c. I went up there today and carried my instrument and showed its advantages by practice. I hope that you will send me an
35 Ideal and Universal at once and I will let them remain there on fifteen days' trial, and will also go up every day or so and show the maids how to operate it. I think I made a good impression today. The pres't is a good friend of mine. So let the two machines come forward at once; also send the two for the other two men to whom we are about to sell instruments.

"Yours very truly,

JNO. T. TILLMAN."

"P. S.—Send green or blue ribbons; also send two type wheels for each machine.

"J. T. T."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at McElrath a certain letter to be sent and delivered by said post-office established, addressed to J. H. Nunnally, at Atlanta, Georgia, of which said letter the following is a copy :

" R. J. McElrath, postmaster. N. E. McElrath, ass't postmaster.

" UNITED STATES POST-OFFICE,
" McELRATH, S. C., Nov. 4, 1892.

" Mr. J. H. Nunnally, Atlanta, Ga.

36 " DEAR SIR: I wish to buy a Hammond. Write me prices, terms, and so on. I live in Spartanburg Co.

" Yours truly, R. J. McELRATH."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain letter to be sent and delivered by said post-office establishment to J. H. Nunnally, Atlanta, Georgia, of which said letter the following is a copy:

" SPARTANBURG, SOUTH CAROLINA, Nov. 7, 1892.

" Mr. J. H. Nunnally, Atlanta, Ga.

" DEAR SIR: I again call your attention to the fact that you have not sent me the two typewriters—the Universal and Ideal. I am quite sure that I can effect sales. So if you are going to send them do so now. 'Behold, now is the accepted time; behold, now is the day of salvation.'

" Hoping that you will send them right away, I am,

" Yours very truly, JNO. T. TILLMAN."

37 And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and caused to be placed in the post-office of the United States at Owens a certain letter to be sent and delivered by said post-office establishment, addressed to J. W. Fielder and Company, at Atlanta, Georgia, of which said letter the following is a copy:

"M. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

"UNITED STATES POST-OFFICE,

"OWENS, S. C., Nov. 7, 1892.

"J. W. Fielder & Co., Atlanta, Ga.

"DEAR SIR: I am desirous of buying a typewriter, the Yost. What is the price and on what terms can you let me have it? I wish to buy on the installment plan.

"Yours truly,

J. W. OWENS."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said combination, conspiracy, confederacy, and agreement among themselves so had, as aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purpose aforesaid, the

said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, 38 Andrew J. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office establishment—that is to say, in the post-office of the United States at Owens, South Carolina—a certain letter to be sent and delivered by said post-office establishment, addressed to J. W. Fielder and Company, at Atlanta, Georgia, of which said letter the following is a copy:

"M. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

"UNITED STATES POST-OFFICE,

"OWENS, S. C., Nov. 11, 1892.

"Messrs. J. W. Fielder & Co., Atlanta, Ga.

"DEAR SIR: I can make you safe in buying your machine. I would not want to pay more than \$10.00 down and \$10.00 per month. You can reserve title in machine until paid for.

"Resp'y yours,

J. W. OWENS."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at McElrath a certain letter to be sent and delivered by said post-office establishment, addressed to J. H. Nunnally, at Atlanta, Georgia, of which said letter the following is a copy:

39 " R. J. McElrath, postmaster. N. E. McElrath, ass't postmaster.

" UNITED STATES POST-OFFICE,
" McELRATH, S. C., 11, 11, 1892.

" Mr. J. H. Nunnally, Atlanta, Georgia.

" DEAR SIR: I would like to have your Universal if you will sell it on easy terms. I would pay you one-fourth down and the other payments \$10.00 each month.

" Resp'ly yours,

R. J. McELRATH."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so has, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, William M. Hatcher, John D. O'Bryant, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Owens a certain letter to be sent and delivered by said post-office establishment, addressed to Gilreath and Patton, at Greenville, of which said letter the following is a copy :

" M. J. Owens, postmaster. J. W. Owens, ass't postmaster.

" UNITED STATES POST-OFFICE,
" OWENS, S. C., 11, 11, 1892.

Messrs. Gilreath & Patton, Greenville, S. C.

40 " GENTLEMEN: You can refer to R. C. Wyatt, Wyatts, S. C.; E. B. Lowe, Spartanburg, S. C., as the other reference- have forgotten me.

" Resp'ly yours,

J. W. OWENS."

And the jurors aforesaid upon their oath aforesaid do further present in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and caused to be placed in the post-office of the United States at Wyatts a certain letter to be sent and delivered by said post-office establishment, addressed to Gilreath and Patton, at Greenville, South Carolina, of which said letter the following is a copy :

"Office of R. C. Wyatt, dealer in fertilizer-

"WYATTS, S. C., Nov. 26, 1892.

"Gilreath & Patton, Greenville, S. C.

"SIRS: I am just in receipt of your letter inquiring of J. W. Owens' financial responsibility. According to my judgment Mr. Owens is responsible for his contracts.

"Yours truly,

R. C. WYATT."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice

41 aforesaid, and to carry — the combination, conspiracy, confederacy, and agreement for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens,

Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg, South Carolina, a certain letter to be sent and delivered by said post-office establishment, addressed to W. W. Trump, Columbia, South Carolina, of which said letter the following is a copy:

"SPARTANBURG, SOUTH CAROLINA, Dec. 5, 1892.

"Mr. N. W. Trump, Columbia, S. C.

"DEAR SIR: Enclosed you will find an order for a Mathusket piano, style (P), as per cut enclosed; price, \$425.00. While this sale is to a colored man, he is none the less good, and has been very hard to sell. He is considered as good for his debts as any man in the county. He has been for a number of years working in the leading hotels here as porter, and has accumulated nice property. Besides other property, he owns a good farm near by, and I understand that he does not owe a dollar. He stands well here and commands the respect of all who know him. He is anxious for the piano to come forward at once, as it is a present to his wife. I have two or three good sales in view, which I hope to close up very soon. If you have anything special to offer for the holidays let me know what it is.

"Yours truly,

JNO. T. TILLMAN."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederation, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice

42 aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M.

Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post — of the United States at McElrath a certain letter to be sent and delivered by said post-office establishment, addressed to J. H. Nunnally, at Atlanta, Georgia, of which said letter the following is a copy :

" R. J. McElrath, postmaster. N. E. McElrath, ass't postmaster.

" UNITED STATES POST-OFFICE,
" MCEL RATH, S. C., Dec. 5, 1892.

" Mr. J. H. Nunnally, Atlanta, Ga.

" DEAR SIR : Replying to yours of some time ago, will say that I will take Universal typewriter on the terms mentioned in your letter, 25.00 down and 12½ dollars each mo. after.

" Please express it to Campobello.

" Resp'y yours,

R. J. MCEL RATH."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B.

43 Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain letter to be sent and delivered to N. W. Trump, at Columbia, South Carolina, of which said letter the following is a copy :

" John T. Tillman, general merchandise and commission broker,
No. 8 Kennedy place.

" P. O. box 143.

" SPARTANBURG, SOUTH CAROLINA, Dec. 8, 1892.

" Mr. N. W. Trump, Columbia, S. C.

" DEAR SIR : You will find enclosed an order for a piano to be styled and finished as described in contract. Mr. Wyatt is a young man with wife and one child. He is a good farmer ; is P. M. and agent for the sale of fertilizers and is quite a stirring young man. I have been in the effort to sell him for more than a month and consider it a very good sale. The terms offered is the best that I could get him to, and, while they are a little more extended than those mentioned in your printed matter, hope you can fill the order. Please let me know if you want me, after the fifteen days are out, to have them pay over the first payment to me or send it in to you.

" Yours truly,

JNO. T. TILLMAN."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves, so had, as aforesaid, and in order to effect this scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and John R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Owens a certain letter to be sent and delivered by said post-office establishment, addressed to James G. Tinsley and Company, at Richmond, Virginia, of which said letter the following is a copy :

" W. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

" UNITED STATES POST-OFFICE,

" OWENS, S. C., Dec. 12, 1892.

" Mes. James G. Tinsley & Co., Richmond, Va.

" DEAR SIR: I would like to know the prices of your standard fertilizers. I am going to sell the coming season at Inman and Greers, South Carolina, and would like handle some of your brands—that is, provided we can trade. I will furnish you reference when you desire.

" Resp'ly yours,

J. W. OWENS."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain letter to be sent and delivered by said post-office establishment, addressed to E. M. Andrews, at Charlotte, North Carolina, of which said letter the following is a copy :

45

" SPARTANBURG, SOUTH CAROLINA, Dec. 15, 1892.

" Mr. E. M. Andrews, Charlotte, N. C.

" DEAR SIR: I have succeeded in getting a purchaser for a piano. While he wants the instrument at once, he is not willing to sign any contract until after he has seen the piano and tried it, and then if this is satisfactory will make the first payment and sign contract for the deferred payments. He wants a Mason & Hamlin

grand upright, about style (16), either in mahogany, oak, or walnut, for which he is willing to pay \$30 cash and balance within two years, in such payments as you may dictate. In reference to his standing will say that I have known him well and he is a solid man and owns a good farm, plenty of stock, is postmaster where he lives, and says that he does not owe a dollar. I have been working on him for some time and never got his consent to let me send his order till today. His address is R. J. McElrath, of this Co., McElrath being his P. O., this place being named for him. Spartanburg being the shipping point, he wishes the piano shipped here. I am confident that there will be no trouble whatever, and that after the few days' test trial is out that I will get him to make the first payment and sign up the contract and send it to you, or, if at the time you make any great inducement, he might pay the cash for the whole. Trusting that there will be no delay and that you will ship at once, I am

"Yours very truly,

JNO. T. TILLMAN."

"You pay freight each way should piano not give satisfaction."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves
46 so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the U. S. at Spartanburg a certain letter to be sent & delivered by said post-office establishment, addressed to E. M. Andrews, at Charlotte, North Carolina, of which said letter — is a copy :

"SPARTANBURG, SOUTH CAROLINA, Dec. 16, 1892.

"Mr. E. M. Andrews, Charlotte, N. C.

"DEAR SIR: Your favor of this date to hand and noted. Mr. McElrath says, as he is in a hurry for the piano, that you may send him the style 10, for which he agrees to pay as specified in contract herein enclosed. Of course, it is understood that the style of make referred to is Mason & Hamlin upright grand, so you will please let it come right on from Charlotte.

"Yours very truly,

JOHN T. TILLMAN."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew

47 J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and caused to be placed in the post-office of the United States at Owens a certain letter and statement therewith, posted at said post-office, to be sent and delivered by said post-office establishment, addressed to James G. Tinsley and Company, at Richmond, of which said letter and statement the following are copies:

"M. J. Owens, postmaster. J. W. Owens, ass't postmaster.

"UNITED STATES POST-OFFICE,
"OWENS, S. C., Dec. 19, 1892.

"Messrs. Jas. G. Tinsley & Co., Richmond, Va.

"DEAR SIR: Replying to yours of the 14th, will say that, as you requested, I have filled out the blank that you sent, and any further information that you desire I will be glad to furnish you with. I will ask that you send me analysis of your fertilizers.

"Very resp'ly yours, J. W. OWENS."

Statement Made to James G. Tinsley & Co. "as a Basis of Credit."

"Post-office: Owens.

"Shipping point: Inman.

"County: Spartanburg.

"State: S. C.

"Date: Dec. 19, 1892.

"Have you ever failed in business? If so, how did you settle?

No.

"Value of your personal property: \$3,000.00.

"Value of your real estate: \$12,000.00.

48 "Do you insure your property, and for how much? No.

"Amount of mortgage on your real estate: None.

"Amount of chattel mortgages: None.

"How much do you owe relation- and personal friends? None.

"Do you endorse, and to what extent? No.

"Total amount of your liabilities: None.

"Total resources or net worth as a basis over and above your homestead and all: \$18,000 or \$20,000.

"The above is a true and correct statement of my liabilities and resources.

"(Please sign here) J. W. OWENS,
"Owens, S. C.

"(Remarks:)

"As requested, I have filled out blanks and will furnish reference when you wish."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said combination, conspiracy, confederacy, and agreement among themselves

so had, as aforesaid, and to carry out the combination, conspiracy confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter — place and caused to be placed in the post-office of the United States at Owens, S. C., a certain letter to be sent and delivered by said post-office establishment to Jas. G. Tinsley & Co., at Richmond, Virginia, of which said letter the following is a copy:

M. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

49

" UNITED STATES POST-OFFICE,

" OWENS, S. C., Dec. 26, 1892.

" Messrs. Jas. G. Tinsley & Co., Richmond, Va.

" GENTLEMEN: Enclosed you will find contract, the selling of three brands of your fertilizer. I have never handled any of your goods before, and I hope they will give entire satisfaction. I would like to have the advertisement of the brands that I will sell, as it will add something to the increase of sales.

" Resp'yly yours,

J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Owens a certain letter to be sent and delivered by said post-office establishment, addressed to Mess. C. Irvine Walker and Company, at Charleston, South Carolina, of which said letter the following is a copy:

" M. J. Owens, postmaster.

J. W. Owens, ass't postmaster.

" UNITED STATES POST-OFFICE,

" OWENS, S. C., Jan'y 5, 1893.

50

" Mess. C. Irvine Walker, Jr., & Co., Charleston, S. C.

" GENTLEMEN: Replying to your letter, will say that you can mark the machine to Inman and I will get it. I have been looking for it for some time, but thought that you were behind with orders, &c.

" Resp'yly yours,

J. W. OWENS."

And the jurors aforesaid upon their oaths aforesaid do further present that in further pursuance of and according to the said con-

spiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain letter to be sent and delivered by said post-office establishment, addressed to E. M. Andrews at Charlotte, North Carolina, of which said letter the following is a copy :

"SPARTANBURG, SOUTH CAROLINA, Jan'y 6, 1893.

"Mr. E. M. Andrews, Charlotte, N. C.

"DEAR SIR: I have succeeded finally in making the sale for the piano, and will ask you to please ship to M. J. Cantrell, Spartanburg, S. C., the style (S) Mathushek, which you say you have on hand there, and I think that it will prove the thing that he
51 wants; make the contract for the year plan, first payment being \$25. I will ask you to fill out the paper, as I am out of blanks, and I will get him to sign it as soon as you send it to me. I have had to put in some good work to make this sale. Please send me some blank contracts, and oblige,

"Yours truly,

JNO. T. TILLMAN.

P. S.—McElrath will be in town and fix up papers, &c.

J. T. T.

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Owens, S. C., a certain letter to be sent and delivered by said post-office establishment, addressed to J. W. Fielder & Co., at Atlanta, Georgia, of which said letter the following is a copy :

"OWENS, S. C., 2, 6, '93.

"Messrs. J. W. Fielder & Co., Atlanta, Ga.

"GENTLEMEN: Please send cut and prices of your machines. Do you sell on *on* the installment plan? I will furnish reference
52 if necessary.

"Resp'yly yours,

W. M. HATCHER."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederation, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Owens, S. C., a certain letter to be sent and delivered by said post-office establishment, addressed to A. B. Farquhar & Co., at York, Pennsylvania, of which said letter the following is a copy:

"OWENS, S. C., *Feb'y 27th*, 1893.

"Messrs. A. B. Farquhar & Co., Lim'd, York, Pa.

"DEAR SIR:- What is the best that will buy an eight H. P. engine, on wheels, \$75 down and the other in three and six months afterwards?

"You can refer to the P. M. of this place for anything you wish to know about me.

"Very truly yours,

W. M. HATCHER."

And the jurors aforesaid, upon their oaths aforesaid, do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among
53 themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg, S. C., a certain letter to be sent and delivered by said post-office establishment, addressed to J. W. Fielder and Company, Atlanta, Georgia, of which said letter the following is a copy:

"SPARTANBURG, SOUTH CAROLINA, *March 1*, 1893.

"J. W. Fielder & Co., Atlanta, Ga.

"GENTLEMEN: I am glad to inform you that this finds me at my post again with mt war paint on and ready to do mighty battle in the defence of the Yost. I have this day formed a new copartnership with Col. Gantt, a gentleman to whom you sold a machine at this place. He is going to advertise it to the fullest extent of his ability in his paper, Piedmont Head Light, which paper is sure to have the largest circulation of any in the State. As you are aware, I have only been sowing the seed of the Yost, and I am quite sure a rich harvest is in the near future for us. The little balance due you by

me will be adjusted in a very short period. Had it not been for my misfortune, *that* the nature of which you are well informed, the difference would never have existed. I suppose that it will — gratifying to you to know that I will have several other sources from this on from which I will be enabled to draw. We are going to handle several other lines of goods besides the Yost, all of which will be

54 thoroughly advertised in the above-named paper, as well as in the dodgers and other printing matter which will be distributed here and throughout the surrounding country.

Col. Gantt and myself will have our office together, which we think the best plan to expedite the business we have undertaken.

"Hoping that this explanation will be so satisfactory as to meet your hearty approval, and that you will let me hear from you by return mail, I am,

"Yours very truly,

JOHN T. TILLMAN."

Dictated to N.

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John T. Tillman, John S. Fisher, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, William M. Hatcher, John D. O'Bryant, and James R. Burdine thereafter did place and caused to be placed in the post-office of the United States at Spartanburg a certain letter to be sent and delivered by said post-office establishment, addressed to Luden and Bates, at Savannah, of which said letter the following is a copy :

"SPARTANBURG, S. C., June 30, 1883.

"Luden & Bates, Savannah, Ga.

"SIRS: I have filled an order for a piano. I have not got any one to sign with me. You will find my commercial rating laid down in 'Bradstreet's' or 'Dun's' reports at Wyatt, S. C. Why I got my mail at Spartanburg the P. O. at this place has just been discontinued.

"Hoping to receive the instrument soon, I remain,

"Yours truly,

CLARENCE LEE."

55 And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M.

Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Spartanburg a certain postal card to be sent and delivered by said post-office establishment, addressed to Ganzalies, Withers & Co., at Columbia, of which postal card the following is a copy:

"SPARTANBURG, S. C., June 30, 1893.

"Gonzalies, Wither & Co.

"SIRS: I wish to buy one of your bicycles on 30 days' time. I refer you to 'Dun's' or 'Bradstreet's' commercial reports for my credit. Please refer to Wyatt, S. C., as this office has been discontinued and I have to get my mail at Spartanburg.

"Yours truly,

CLARENCE LEE."

And the jurors aforesaid upon their oath aforesaid do further present that in further pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher,

56 John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M.

Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine thereafter did place and cause to be placed in the post-office of the United States at Wyatt a certain letter to be sent and delivered by said post-office establishment, addressed to The Stokes Mfg. Co., at Chicago, of which said letter the following is a copy:

"WYATT, S. C., June 11, 1893.

"The Stokes Mfg. Co., Chicago, Ill.

"SIRS: Please ship by express to Spartanburg, S. C., one 'Sterling Model B' bicycle on 30 days' time. Please send a lantern and all sundries belonging to the wheels. Address me at Spartanburg, S. C., as I will be there for several days.

"Let me hear from — on return mail.

"Yours truly,

CLARENCE LEE.

"P. S.—I think that I can sell several bicycles for you after I get this one for a sample."

Contrary to the acts of Congress in such cases made and provided and against the peace and dignity of the United States.

2nd count.

And the jurors aforesaid upon their oath aforesaid do further present that Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine, together with divers other evil disposed persons to the jurors aforesaid unknown, late of the district aforesaid, on the first day of

July, in the year of our Lord one thousand eight hundred and ninety-two, at Spartanburg, in the State of South Carolina aforesaid,

57 in the district aforesaid and within the jurisdiction of this court, being persons of evil mind and disposition, wickedly devising and intending to com-it the offense against the United States hereinafter set forth, fraudulently, maliciously, and unlawfully did combine, conspire, confederate, and agree together between and among themselves to com-it against the United States this offense—that is to say, that the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine should devise a scheme and artifice to defraud Cornish and Company, the Smith Premier Typewriter Company, the Trobridge Piano Company, the Knabe Piano Company, the Whitman Saddle Company, A. H. Andrews and Company, C. Irvine Walker, Jr., & Co., E. M. Andrews, J. W. Fuller & Co., A. B. Farquhar & Co., J. W. Fielder & Co., Stokes Manufacturing Company, Ludden & Bates, Gonzalies & Withers, Mosler, Bohman & Co., J. H. Nunnally, Gates Desk Company, Thomas & Barton, Work Brothers and Company, Taylor Brothers and Company, Gilreath and Patton, N. W. Trump, and James G. Tinsley and Company and divers other persons to the jurors aforesaid unknown, to be effected by opening correspondence with them and each of them respectfully by means of the post-office establishment of the United States and by inciting them and each of them to open correspondence with them, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine, by means of said post-office establishment, which scheme and artifice was the obtaining from the said Cornish and Company, the Smith Premier Typewriter Company, the Trobridge Piano Company, the Knabe Piano Company, the Whitman Saddle Company, A. H. Andrews and Company, C. Irvine Walker, Jr., and Company, E. M. Andrews, J. W. Fuller and Company, A. B. Farquhar and Company, J. W. Fielder and Company, Stokes Manufacturing Company, Ludden and Bates,

58 Gonzalies and Withers, Mosler Boham & Company, J. H. Nunnally, Gates Desk Company, Thomas & Barton, Work Brothers & Company, Taylor Brothers & Company, Gilreath and Patton, N. W. Trump, and James G. Tinsley and Company, and said divers other persons, as vendors thereof, with intent to defraud them, the said vendors, of payment therefor and of their property therein and to cheat and defraud them of the same; and, having devised such scheme and artifice aforesaid to be effected by means of the post-office establishment as aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine should place

and cause to be placed certain letters in certain post-offices of the United States, to be sent and delivered by said post-office establishment.

And the jurors aforesaid upon their oaths aforesaid do further present that in pursuance of and according to the said conspiracy, combination, confederacy, and agreement among themselves so had, as aforesaid, and in order to effect the scheme and artifice aforesaid, and to carry out the combination, conspiracy, confederacy, and agreement aforesaid for the purpose aforesaid, the said Charles P. Barrett, Thomas J. Hannon, J. Wesley Owens, Andrew J. Fisher, John S. Fisher, John T. Tillman, Robert J. McElrath, Edward B. Lowe, Robert C. Wyatt, Clarence Lee, John M. Thompson, John D. O'Bryant, William M. Hatcher, and James R. Burdine afterwards did place and cause to be placed in the post-office of the United States certain letters to be sent and delivered by said post-office establishment, addressed to Cornish and Company, the Smith Premier Typewriter Company, the Trowbridge Piano Company, the Knabe Piano Company, the Whitman Saddle Company, A. H. Andrews and Company, C. Irvine Walker, Jr., and Company, E. M.

Andrews, J. W. Fuller and Company, A. B. Farquhar and
59 Company, J. W. Fielder and Company, Stokes Manufacturing Company, Ludden and Bates, Gonzalies and Withers, Mosler Boham and Company, J. H. Nunnally, Gates Desk Company, Thomas and Barton, Work Brothers and Company, Taylor Brothers and Company, Gilreath and Patton, N. W. Trump, and James G. Tinsley and Company, and divers other persons to the jurors aforesaid unknown, contrary to the act of Congress in such cases made and provided and against the peace and dignity of the United States.

WILLIAM PERRY MURPHY,

United States Attorney.

60

Return of Grand Jury.

The grand jury returned true bill.

JEREMIAH SMITH, *Foreman.*

December 3rd, 1894.

Nolle prosequi as to Edward B. Lowe.

WM. PERRY MURPHY,

U. S. Attorney.

We appear in person and plead guilty.

T. J. HANNON.

R. J. McELRATH.

CLARENCE ^{his} x LEE.
mark.

In presence of—

J. E. HAGOOD,

C. C. C. U. S., Dist. S. C.

Filed 3rd December, 1894.

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

THE UNITED STATES

vs.

CHARLES P. BARRETT, THOMAS J. HANNON,
A. J. Fisher, R. J. McElrath, Clarence
Lee, James R. Burdine, J. W. Owens,
John C. O'Bryant, William R. Hatcher,
R. C. Wyatt, John M. Thompson, John
S. Fisher, John T. Tillman.

Indictment for Viola-
tion Section- 5440 &
5480, R.S.U.S. Con-
spiracy.

This case came up for trial on this December 6th, 1894. The defendants being called, the following-named defendants entered their plea of "guilty" to this indictment, to wit: Thomas J. Hannon, Robert J. McElrath, and Clarence Lee.

The following-named defendants, being called, entered their plea of "not guilty," to wit: Charles P. Barrett, John S. Fisher, James R. Burdine, A. J. Fisher, and John D. O'Bryant.

The following-named defendants being called and not answering, to wit: R. C. Wyatt, John M. Thompson, J. W. Owens, John T. Tillman.

After various chalenges by the United States and the defendant the following jury was selected, organized, and sworn, to wit: George B. Anderson, foreman; G. R. Stork, J. R. Donald, Charles S. Pack, J. A. Lavell, Henry Calahan, A. A. Peterkin, T. H. Culp, Peter Gaillard, L. C. Collins, Randolph Sams, and Thomas Briar. The following witnesses were sworn and examined on behalf of the United States, to wit: J. W. Biggs, R. J. McElrath, Gabriel Rouquie, Frank W. Stratton, G. B. Dean, T. J. Harmon, Ralph K. Carson, John E. Barton, A. B. Calvert, Clarence Lee, Jefferson Cantrell, J. E.

Barton, recalled; Miss Rena L. Bouchelle, Thomas Swoger,
62 David T. Robb, Frederick Nacher, Jr., Gustav Bartell, F. J. Gates, William C. C. Mehlbrack, C. Irvine Walker, Jr., George T. Sargent, R. K. Carson, recalled; J. W. Fielder, H. E. Pery, W. A. Maigne, N. W. Trump, Ephraim Adams, F. J. Tanner, Henry W. Beadle, J. J. Johnson, John D. Murphy, J. H. Nunnally, A. C. Newman, Jefferson Wallace, J. T. Anderson, T. W. Kellar, W. O. Marstrand, J. J. Gentry, W. O. Gentry, W. T. Walters, M. A. Malone, T. R. Trimmier, W. T. Liddell, H. T. Wyatt, W. L. Tinsley, J. E. Bomar, S. T. Poinier, James A. Brock, H. T. Wyatt, John D. Kirby. The following witnesses were sworn and examined on behalf of defendants, to wit:

C. P. Barrett, A. J. Fisher, John S. Fisher.

Arguments were made by Mr. E. O. Woods and by W. Perry Murphy, U. S. attorneys, on behalf of the United States, and by Absalom Blythe, on behalf of the defendants Charles P. Barrett, A. J. Fisher, and John S. Fisher. After hearing arguments the court charged the jury, and they retired to *into* their room, and after considering the case returned into the court with the following verdict:

"Guilty" as to Charles P. Barrett, John T. Tillman, and J. Wesley Owens, and "not guilty" as to John D. O'Bryant, William M. Hatcher, James R. Burdine, A. J. Fisher, and John S. Fisher.

11th December, 1894.

GEORGE B. ANDERSON, *Foreman.*

After publication of the verdict the defendants' attorney, Absalom Blythe, gave notice of motion for a new trial for Charles P. Barrett.

Sentence.

Let the defendant Charles P. Barrett be imprisoned in the penitentiary at Columbus, Ohio, for eighteen months, and pay a fine of twenty-five hundred dollars.

WILLIAM H. BRAWLEY,
U. S. Judge.

12th December, 1894.

63 *Order Extending Time in which to File Bill of Exceptions.*

UNITED STATES OF AMERICA, {
District of South Carolina. }

In the Circuit Court.

| | | |
|--|---|--|
| THE UNITED STATES | } | Indictment for Violation Section 5480, U. S. Statutes, Conspiring, &c. |
| vs. | | |
| CHARLES P. BARRETT & JOHN T. TILLMAN and Others, Defendants. | | |
| | | |

The motion to quash the indictment and the — of grand and petit jurors and in arrest of judgment in the above-stated cause having been overruled by the court—

On motion of Mr. Blythe, attorney for the defendants above named, C. P. Barrett & J. T. Tillman, it is ordered by the court—

That the said defendants, Charles P. Barrett and John T. Tillman, and their attorneys have thirty days from the date of this order in which to make up and file a bill of exceptions in this behalf.

WM. H. BRAWLEY,
U. S. Judge.

12th Dec., 1894.

Filed Jan. 12, 1895.

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

64

Order for Bail.

THE UNITED STATES OF AMERICA, }
District of South Carolina. }

In the Circuit Court.

THE UNITED STATES }
vs. } Section 5440, U. S. Rev. Stat.
 CHARLES P. BARRETT *et al.* }

Order for bail.

A writ of error having been granted herein to defendant Charles P. Barrett to the Supreme Court of the United States, and citation having been duly served upon the attorney of the United States for the district of South Carolina, now, on motion of A. Blythe, attorney for the said defendant, Charles P. Barrett—

Ordered that said defendant be released pending the cause in the said Supreme Court upon his entering into a recognizance, with two (2) or more sufficient sureties, in the sum of (\$3,000.00) three thousand dollars, the said recognizance to be entered into before the clerk of the circuit court for the district of South Carolina and to be approved by him.

WM. H. BRAWLEY,
U. S. Judge.

7th Jan'y, 1895.

Filed Jan. 7, 1895.

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

65

DEFENDANTS' BILL OF EXCEPTIONS.

THE UNITED STATES OF AMERICA, }
District of South Carolina. }

In the Circuit Court.

THE UNITED STATES }
vs. } Section 5440, U. S. Rev. Stat.
 CHARLES P. BARRETT *et al.* }

DEFENDANTS' BILL OF EXCEPTIONS.

First.

1. Be it remembered that on the call of this case for trial and before plea the defendant Charles P. Barrett challenged the array of both the grand and petit jurors upon the ground that they were drawn from both the eastern and western districts of South Carolina, when the alleged offense is charged in the indictment to have been committed in the county of Spartanburg, in the western dis-

trict of said State. The court overruled these objections; to which rulings the said defendant, by counsel, excepted and offered this his first bill of exceptions and prayed that it be signed, sealed, and made a part of the record, which is accordingly done.

WM. H. BRAWLEY, [L. s.]
U. S. Judge.

Second.

2. Be it remembered that on the call of the case for trial and before plea the said defendant demurred to the indictment upon the ground that, although the alleged offense is charged in the indictment to have been committed in the county of Spartanburg, in the State of South Carolina, the same being in the western district of said State, the indictment was found in the city of Columbia, in the county of Richland, in the eastern district of said State, at a time, namely, on the — day of November, 1894, not authorized by law for the sitting of any court of the United States for the western district of South Carolina. The court overruled these objections; to which ruling the said defendant, by counsel, excepted and offered this his second bill of exceptions and prayed that it be signed, sealed, and made a part of the record, which is accordingly done.

WM. H. BRAWLEY, [L. s.]
U. S. Judge.

Third.

3. Be it remembered that on the call of this case for trial the said defendant filed a plea to the jurisdiction of the court upon the ground that, although the alleged offense is charged in the indictment to have been committed in the county of Spartanburg, the same being in the western district of South Carolina, the trial was sought to be held in the city of Columbia, in the county of Richland, in the eastern district of said State. The court overruled this objection; to which ruling the said defendant, by counsel, excepted and offered this his third bill of exceptions and prayed that it be signed, sealed, and made a part of the record, which is accordingly done.

— — — [L. s.]

Fourth.

Be it remembered that after the attorney of the United States had closed his case the said defendant moved the court that, since testimony had disclosed the fact that at least four conspiracies, if any at all, had been proven, in some of which defendant Charles P. Barrett was not implicated, and in others he was implicated with certain of the other defendants, while in still others he was implicated with certain of the defendants at one time and place and with different defendants at another time and place, the attorney of the United States be required to elect on which one of the alleged conspiracies he would ask for a conviction. This motion was overruled by the court; to which ruling the said defendant, by counsel, excepted and offered this his fourth bill of ex-

ceptions and prayed that it be signed, sealed, and made a part of the record; which is accordingly done.

WM. H. BRAWLEY, [L. S.]
U. S. Judge.

Fifth.

5. Be it remembered that after verdict and before judgment the said defendant moved the court in arrest of judgment upon the grounds following, to wit: (1) Because the grand jurors that found the indictment and the petit jurors that found the verdict were drawn from both the eastern & western districts of South Carolina, when the alleged offense is charged in the indictment to have been committed in the county of Spartanburg, in the western district of said State; (2) because, although the alleged offense is charged in the indictment to have been committed in the county of Spartanburg, in the State of South Carolina, the same being in the western district of said State, the indictment was found in the city of Columbia, in the county of Richland, in the eastern district of said State, at a time, namely, on the — day of November, 1894, not authorized by law for the sitting of any court of the United States for the western district of South Carolina; (3) because, although the alleged offense is charged in the indictment to have been committed in the county of Spartanburg, the same being in the western district of South Carolina, the trial was had in the city of Columbia, in the county of Richland, in the eastern district of said State.

68 This motion in arrest of judgment was refused by the court; to which ruling the said defendant, by counsel, excepted and offered this his fifth bill of exceptions and prayed that it be signed, sealed, and made a part of the record, which is accordingly done.

WM. H. BRAWLEY, [L. S.]
U. S. Judge.

Filed Jan. 7, 1895.

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

68½ *Assignment of Errors.*

THE UNITED STATES OF AMERICA, }
District of South Carolina.

In the Circuit Court.

THE UNITED STATES } Conspiracy to Violate Section 5480, Revised
vs. } Statutes of United States, i. e., 5440, U. S.
CHAS. P. BARRETT *et al.* } Rev. Stat.

Defendant Barrett's Assignment of Errors.

The defendant Charles P. Barrett, by counsel, respectfully assigns the following errors to the judgment rendered in this cause on December 12, 1894, and to the rulings of the presiding judge before, during, and after the trial.

First.

That the court erred in overruling the defendant's challenges to the array of both the grand and petit jurors, the alleged offence being charged in the indictment to have been committed in the county of Spartanburg, in the western district of South Carolina, and the panels of both the grand & petit jurors being drawn from both the eastern and western district- of said State.

Second.

That the court erred in overruling the demurrer of the said defendant to the indictment, the alleged offence being charged in the indictment to have been committed in the county of Spartanburg, in the State of South Carolina, the same being in the western district of said State, and the *and the* indictment being formed in the city of Columbia, in the county of Richland, in the eastern district of said State, and at a time, namely, on the — day of November, 1894, not authorized by law for the sitting of any court of the United States for the western district of South Carolina.

69

Third.

That the court erred in overruling the defendant's plea to the jurisdiction of the court, the alleged offense being charged in the indictment to have been committed in the county of Spartanburg, in the western district of South Carolina, and the trial was had in the city of Columbia, in the county of Richland, in the eastern district of said State.

Fourth.

That the court erred in not requiring the United States attorney, at the close of the testimony, to elect on which one of the alleged conspiracies he would rely for a conviction, the evidence showing that several conspiracies, if any at all, had been committed, in some of which the defendant Barrett was not implicated, while in others he was implicated with some of the defendants at one time and place in one conspiracy and with certain of the other defendants at another time and place in another separate and distinct conspiracy.

Fifth.

That the court erred in not arresting the judgment, the grand and petit jurors being drawn from both the eastern & western districts of South Carolina instead of the western district alone, the indictment being found in the city of Columbia, in the county of Richland, in the eastern district of So. Ca., although the alleged offense is charged in the said indictment to have been committed in the county of Spartanburg, in the western district of said State, the trial itself having taken place, not in the western district of South Carolina, the place of the alleged commission of the offense, but in the city of Columbia, in the county of Richland, in the eastern district of said State, and at a time not authorized by law for

any court of the United States to sit in the western district of said State.

CHAS. P. BARRETT.

Filed May 22nd, 1895.

70 *Application for Writ of Error and Supersedeas.*

THE UNITED STATES OF AMERICA, }
District of South Carolina. }

In the Circuit Court.

THE UNITED STATES }
vs. } Section 5410, U. S. Rev. Stat. Conspiracy.
CHAS. P. BARRETT et al. }

To the honorable justice of the Supreme Court of the United States :

The petition of Chas. P. Barrett respectfully shows :

I. That at a session of the circuit — of the United States for South Carolina, which convened on November 26, 1894, and adjourned on February 2nd, 1895, he was convicted of conspiracy to violate section fifty-four hundred and eighty of the Revised Statutes of the United States, and on December 12th, 1894, was sentenced therefor to eighteen (18) months' imprisonment in the penitentiary.

II. That this petition and the assignment of errors has been duly filed in the office of the clerk of the circuit court for South Carolina, which will appear by reference to the certificate of the said clerk hereunto annexed.

Wherefore, for the errors apparent in the rendition of said judgment and in the rulings of the court, the defendant Chas. P. Barrett prays that a writ of error and supersedeas to said judgment may be allowed, and that a transcript of the record and proceedings and papers in the case may be sent to the Supreme Court of the United States.

CHAS. P. BARRETT,
By OBEAR & DOUGLASS, Attorneys.

Filed June 4, 1895.

72 *Order Allowing Writ of Error and Supersedeas.*

It is ordered that the writ of error and supersedeas be allowed as prayed for.

This 28th day of May, 1895.

CHARLES H. SIMONTON,
Circuit Judge.

Filed June 4, 1895.

73 THE UNITED STATES OF AMERICA, }
District of South Carolina. }

In the Circuit Court.

THE UNITED STATES }
v. } Section 5440, U. S. Rev. Stat.
 CHAS. P. BARRETT *et als.* }

Writ of Error.

UNITED STATES OF AMERICA, *ss* :

The President of the United States to the honorable judges of the circuit court of the United States for the district of South Carolina, Greeting:

Because in the record and proceedings, as well as in the rendition of a judgment of a plea which is in the said circuit court, before you or some of you, between The United States, plaintiff, and Chas. P. Barrett *et al.*, defendants, a manifest error hath happened, to the great damage of the defendant Chas. P. Barrett, as by his complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given,

74 that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the United States Supreme Court, together with this writ, so that you have the same at Washington, D. C., on the — day of —, 1895, in the said Supreme Court, that said court may cause further to be done therein to correct that error what of right and according to the laws and custom of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of our Supreme Court aforesaid, at Washington aforesaid, the 11 day of July, in the year of our Lord one thousand eight hundred and ninety-five.

[Seal U. S. Circuit Court, District of So. Carolina.]

J. E. HAGOOD,
*Clerk of the Circuit Court of the
 United States for the District of South Carolina.*

Allowed by—

WM. H. BRAWLEY, *U. S. Judge.*

July 11th, 1895.

75 [Endorsed:] United States of America, district of South Carolina. In circuit court. The United States *vs.* Chas. P. Barrett *et als.* Writ of error. Filed May 4, 1895. J. E. Hagood, C. C. C. U. S., dist. S. C.

H. J. Hickson, deputy U. S. marshal, being duly sworn, says that he served Wm. Perry Murphy, U. S. district att'y, personally by

showing him the within "writ of error" on the 7th day June, 1895, in the city of Charleston, S. C.

H. J. HICKSON,
Deputy U. S. M.

[Seal U. S. Circuit Court, District of So. Carolina.]

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

76 *Order Extending Time in which to File Record.*

UNITED STATES OF AMERICA :

In the Supreme Court.

| | |
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| THE UNITED STATES, Defendant in Error, | } Section 5440, U. S. R. S. |
| <i>vs.</i> | |
| CHARLES P. BARRETT <i>et al.</i> , Plaintiff in Error. | |

On motion of Charles P. Barrett, the above-named plaintiff in error—

It is ordered that the said Charles P. Barrett be allowed sixty days, in addition to the time now allowed him by law, within which to file the record in his above-stated writ of error in the office of the clerk of the Supreme Court of the United States.

This 6 day of June, 1895.

CHARLES H. SIMONTON,
Circuit Judge, 4th Circuit.

I, J. E. Hagood, clerk of the said court, do hereby certify that the foregoing order is a true copy of the original order which was sent by me to the clerk of the Supreme Court to be filed.

[Seal U. S. Circuit Court, District of So. Carolina.]

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

77 THE UNITED STATES OF AMERICA, }
District of South Carolina. }

In Circuit Court.

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|----------------------------------|--|
| THE UNITED STATES | } § 5440, U. S. Rev. Stat. Conspiracy. |
| <i>v.</i> | |
| CHAS. P. BARRETT <i>et al.</i> , | |

Citation on Writ of Error.

The President of the United States to the United States, Greeting:

You are hereby cited and admonished to be and appear at a United States Supreme Court, to be holden at Washington, D. C., on the 29 day of June, 1895, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the district of South Carolina, wherein Chas. P. Barrett is plaintiff in error and you are defendant in error, to show cause, if any there be, why the

judgment rendered against the said plaintiff in error, as in said writ of error mentioned, should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable M. W. Fuller, Chief Justice of the Supreme Court of the United States for the district of South Carolina, this 28 day of May, 1895.

CHARLES H. SIMONTON,
Circuit Judge.

[Endorsed:] The United States of America, district of South Carolina. In circuit court. The United States *v.* Chas. P. Barrett *et al.* Citation on writ of error. Original. Filed June 4, 1895. J. E. Hagood, C. C. C. U. S., dist. S. C.

H. J. Hickson, deputy U. S. marshal, being duly sworn, says that he served a copy of the within "citation on writ of error" personally upon Wm. Perry Murphy, U. S. district att'y, in the city of Charleston, S. C., on the 7th day June, 1895.

H. J. HICKSON,
Deputy U. S. M.

[Seal U. S. Circuit Court, District of So. Carolina.]

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

79

Clerk's Certificate.

UNITED STATES OF AMERICA, {
District of South Carolina. }

In the Circuit Court, Fourth Circuit.

I, J. E. Hagood, clerk of the circuit court of the United States for the district of South Carolina, do hereby certify that the foregoing is a true and correct copy of the records, proceedings, and trial of the cause in the case of The United States, plaintiff, against Charles P. Barrett, defendant, rendered as aforesaid, together with all the proceedings had in the cause relating to the same.

Given under my hand and seal of said court, at clerk's office in the city of Charleston, S. C., this the 11th day of July, A. D. 1895.

[Seal U. S. Circuit Court, District of So. Carolina.]

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

Endorsed on cover: Case No. 15,986. South Carolina C. C. U. S. Term No., 53. Charles P. Barrett, plaintiff in error, *vs.* The United States. Filed August 13th, 1895.

Agreed
TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1897.

No. 53.

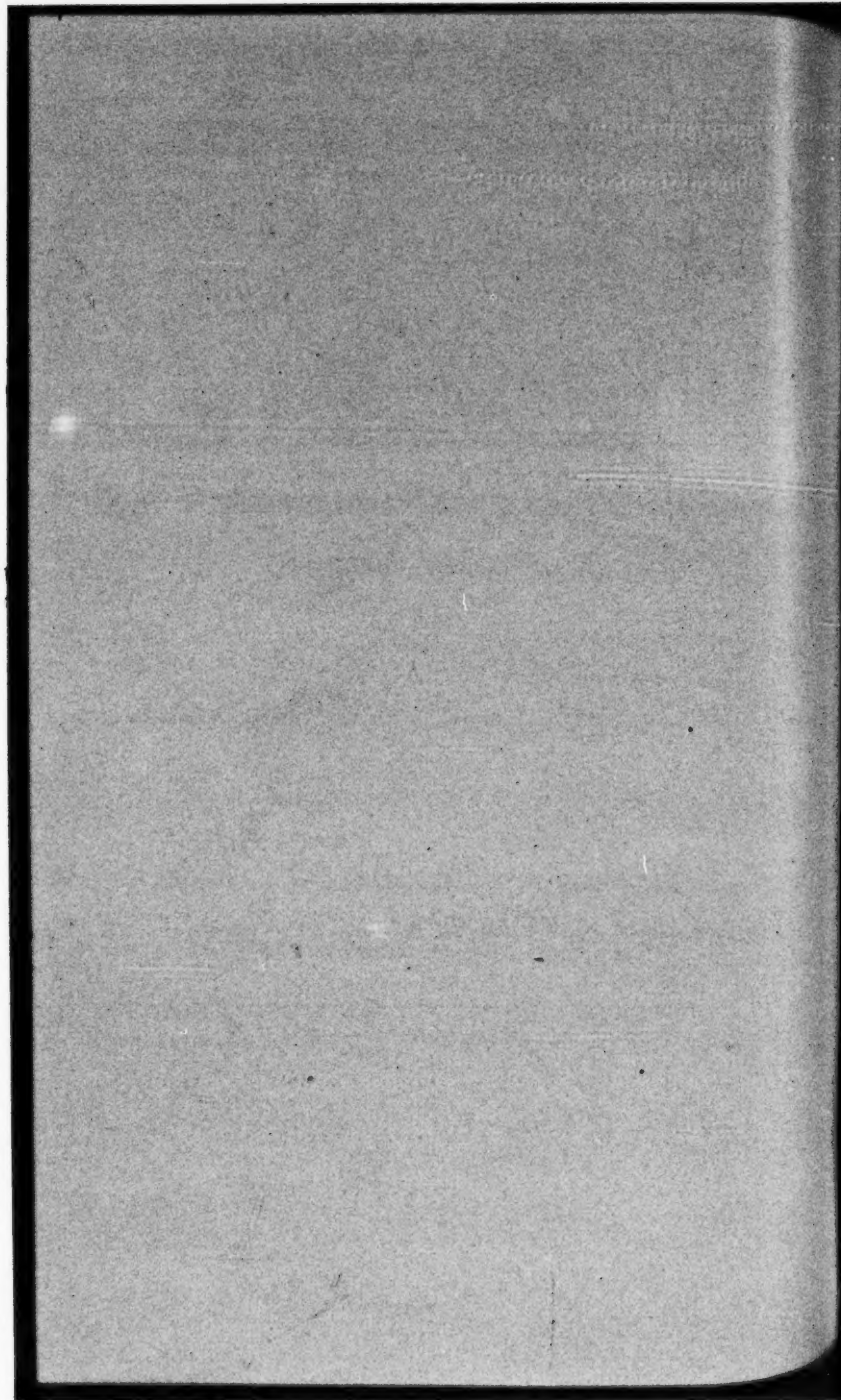
CHARLES P. BARRETT, PLAINTIFF IN ERROR,

VS.

THE UNITED STATES.

**IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA.**

FILED AUGUST 13, 1898.



In the circuit court of the United States for the district of South Carolina.

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| THE UNITED STATES | } | Indictment for conspiracy to violate Section 5480, U. S. Revised Statutes. |
| <i>vs.</i> | | |
| CHAS. P. BARRETT. | | |

At the regular term of the circuit court of the United States for the district of South Carolina, which convened in the city of Columbia, South Carolina, on the fourth Monday in November, 1894, his honor Wm. H. Brawley presiding, Chas. P. Barrett and others were indicted, tried, and convicted. Defendant Barrett challenged the array of both the grand and petit jurors, demurred to the jurisdiction of the courts, and moved to quash the indictment, which were all overruled by the court. He filed a plea of "not guilty."

The indictment charged the offense to have been committed in the county of Spartanburg, S. C. After conviction he made a motion in arrest of judgment, which was overruled. He was then sentenced to eighteen months imprisonment and to pay a fine of \$2,500. He alone of the defendants prosecutes a writ of error to the Supreme Court.

The bill of exceptions is as follows :

I.

Be it remembered that, on the call of the case for trial, and before plea, the defendant, Charles P. Barrett, challenged the array of both the grand and petit jurors, upon

the ground that they were drawn from both the eastern and western districts of South Carolina, when the alleged offense is charged in the indictment to have been committed in the county of Spartanburg, in the western district of said State. The court overruled these objections, to which rulings the said defendant, by counsel, excepted and offered this, his first bill of exceptions, and prayed that it be signed, sealed, and made a part of the record, which is accordingly done.

WM. H. BRAWLEY, [L. S.]
U. S. Judge.

II.

Be it remembered that, on the call of the case for trial, and before plea, the said defendant demurred to the indictment upon the ground that, although the alleged offense is charged in the indictment to have been committed in the county of Spartanburg, in the State of South Carolina, the same being in the western district of said state, the indictment was found in the city of Columbia, in the county of Richland, in the eastern district of said state, at a time, namely, on the — day of November, 1894, not authorized by law for the sitting of any court of the United States for the western district of South Carolina. The court overruled these objections, to which ruling the said defendant, by counsel, excepted and offered this, his second bill of exceptions, and prayed that the same be signed, sealed, and made a part of the record, which is accordingly done.

WM. H. BRAWLEY, [L. S.]
U. S. Judge.

III.

Be it remembered that, on the call of this case for trial,

the said defendant filed a plea to the jurisdiction of the court upon the ground that, although the alleged offense is charged in the indictment to have been committed in the county of Spartanburg, the same being in the western district of South Carolina, the trial was sought to be held in the city of Columbia, in the county of Richland, in the eastern district of said State. The court overruled this objection, to which ruling the said defendant excepted, and offered this, his third bill of exceptions, and prayed that it be signed, sealed, and made a part of the record, which is accordingly done.

WM. H. BRAWLEY, [L. S.]

U. S. Judge.

4. x x x x

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5. Be it remembered that, after verdict and before judgment, the said defendant move the court in arrest of judgment upon the grounds following, to wit:

1. Because the grand jurors that found the indictment and the petit jurors that found the verdict, were drawn from both the eastern and western districts of South Carolina, when the alleged offense is charged to have been committed in the county of Spartanburg, in the western district of said State.

2. Because, although the alleged offense is charged in the indictment to have been committed in the county of Spartanburg, in the State of South Carolina, the same being in the western district of said State, the indictment was found in the city of Columbia, in the county of Richland, in the eastern district of said State, at a time, namely, on the —— day of November, 1894, not authorized by law for the sitting of any court of the United States for the western district of South Carolina.

3. Because, although the alleged offense is charged in

the indictment to have been committed in the county of Spartanburg, the same being in the western district of South Carolina, the trial was had in the city of Columbia, in the county of Richland, in the eastern district of said State.

This motion in the arrest of judgment was refused by the court, to which ruling the said defendant, by counsel, duly excepted and offered this, his fourth bill of exceptions and prayed that it be signed, sealed and made a part of the record, which is accordingly done.

WM. H. BRAWLEY, [L. S.]

U. S. Judge.

The assignments of error are as follows :

The defendant, Charles P. Barrett, respectfully assigns the following errors to the judgment rendered in this cause on December 12, 1894, and to the rulings of the presiding judge, before, during, and after the trial :

I.

That the court erred in overruling the defendant's challenges to both the grand and petit jurors, the alleged offense being charged in the indictment to have been committed in the county of Spartanburg, in the western district of South Carolina, and the panels of both the grand and petit jurors being drawn from both the eastern and western districts of said State.

II.

That the court erred in overruling the demurrer of the defendant to the indictment, the alleged offense being charged in the indictment to have been committed in the county of Spartanburg, in the State of South Carolina, the same being in the western district of said State, and

the indictment being found in the city of Columbia, in the county of Richland, in the eastern district of said State, at a time, namely, on the — day of November, 1894, not authorized by law for the sitting of any court of the United States for the western district of South Carolina.

III.

That the court erred in overruling the defendant's plea to the jurisdiction of the court, the alleged offense being charged in the indictment to have been committed in the county of Spartanburg, in the western district of South Carolina, and the trial was had in the city of Columbia, in the county of Richland, in the eastern district of said State.

IV.

That the court erred in not requiring the United States attorney, at the close of the testimony, to elect on which one of the alleged conspiracies he would rely for a conviction, the evidence showing that several conspiracies, if any at all, had been committed, in some of which the defendant Barrett was not implicated; while in others he was implicated with some of the defendants at one time and place in one conspiracy, and with certain of the other defendants at another time and place in another and separate conspiracy.

V.

That the court erred in not arresting the judgment, the grand and petit jurors being drawn from both the eastern and western districts, instead of from the western district alone; the indictment being found in the city of Columbia, in

the county of Richland, in the eastern district of South Carolina, although the alleged offense is charged in the indictment to have been committed in the county of Spartanburg, in the western district of said State; the trial itself having taken place, not in the western district of South Carolina, the place of the alleged commission of the offense, but in the city of Columbia, in the county of Richland, in the eastern district of said State, and at a time not authorized by law for any court of the United States to sit in the western district of said State.

CHAS. P. BARRETT.

In due time the writ of error was allowed by a circuit judge for the circuit, the citation duly served on the district attorney, and the case docketed in the Supreme Court.

We agree that the above and foregoing six pages shall constitute the record for the Supreme Court in this case. It is abbreviated for the purpose of curtailing the expense of printing as well as for the convenience of court and counsel. It is not intended to alter the record in any way and, therefore, should there be any errors of omission or commission the original record on file in the clerk's office is to control, and so much of it as the court may require is to be printed by plaintiff in error.

Chas. C. Lancaster ~~Thos. J. Mackey~~
Attorney for Plaintiff in Error.

JAS. E. BOYD,
Ass't Att'y General.

Dated *October 13, 1897.*